

United States District Court

For the Northern District of California

1 PIOTR J. GARDIAS,

E-FILED: 10/3/2007

2 Plaintiff,

3 Consolidated With: C04-04768 HRL
4 C05-01242 HRL
5 C05-01833 HRL
6 C06-04695 HRL

7 v.

8 SAN JOSE STATE UNIVERSITY,

9 **ORDER DENYING PLAINTIFF'S**
10 **MOTION TO COMPEL**

11 Defendant.

12 [Docket No. 288]

13 On September 10, 2007, plaintiff filed a document entitled "Motion to Compel, Request
14 for Ruling that Cain-Simon committed fraud." It is not entirely clear what relief plaintiff seeks
15 by this motion. However, he says that, before this court granted his motion to quash, several of
16 his health care providers produced documents in response to defendant's various subpoenas for
17 his medical records. He seems to assert that Cain-Simon "committed fraud" because she failed
18 to advise the court of this fact at the hearing on his motion to quash. Plaintiff also insists that he
19 has not waived all claims concerning his health.

20 Plaintiff appears to be upset that his health care providers responded to defendant's
21 subpoenas before the court had a chance to rule on his motion to quash. But the court finds no
22 grounds on the record presented to conclude that defense counsel perpetrated a fraud.

1 Moreover, at the motion hearing on plaintiff's motion to quash, in an effort to convince this
2 court that defendant was not entitled to any discovery of his medical records, plaintiff
3 disclaimed any intent to inject issues concerning his health or medical condition in this lawsuit.
4 He also confirmed that his lawsuits concerned only alleged discrimination based on his age and
5 national origin. As such, the court agreed that defendant's requested discovery was irrelevant.
6 Plaintiff's instant motion to compel is denied.

7 IT IS SO ORDERED.
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9 Dated: October 3, 2007

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11 HOWARD R. LLOYD
12 UNITED STATES MAGISTRATE JUDGE
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United States District Court
For the Northern District of California

1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias
3 72 Floyd Street
3 San Jose, CA 95110

4 Plaintiff (Pro Se)

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6 **Notice has been electronically mailed to:**

7 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

8 Fiel D. Tigno fiel.tigno@doj.ca.gov

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